

REMARKS

In accordance with the foregoing, claims 1-8 are pending and under consideration. Claims 1-5 have been amended. Claim 8 is new. The disclosure has been amended. Fig. 1 of the drawings has been amended. The objections and rejections are respectfully traversed.

OBJECTIONS

Figure 1 is objected to, as the reference mark 14 described in the disclosure, is not show in the figure. The reference mark has been added to replacement Fig. 1. Withdrawal of the objection is respectfully requested.

Several informalities have been objected to in the disclosure. The Examiner suggested several amendments. Those amendments have been adopted in the specification. Withdrawal of the objections is respectfully requested.

REJECTIONS under 35 U.S.C. § 112, second paragraph

Claims 3 and 5-7 stand rejected to under 35 U.S.C. § 112, second paragraph as being vague and indefinite. Claims 3 and 5 have been amended in consideration of the Examiner's comments. Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-3 stand rejected to under 35 U.S.C. § 102(b) as anticipated by Greelings. Greelings is a marketing management system that markets to customers based on their membership to a group or segment. The present claims are directed to suggesting to an individual client a possible hairstyle, the suggestion mailed to the client on a predetermined date.

Claim 1 recites in part "producing direct mail containing suggestions of hairstyles that can be applied to the customer when said expected date of visit of the customer is a predetermined period ahead." Greelings does not teach or suggest "producing direct mail containing suggestions of hairstyles." Greelings is silent as to hairstyles or direct mail marketing of suggested hairstyles. Further while Greelings discusses tailoring "communication accordingly (with respect to content and timing (i.e., when to contact the consumer)." Column 1 lines 54-56. Greelings does not teach or suggest an "expected date of visit of the customer is a predetermined period ahead."

For the reasons stated above, the independent claims or the claims dependent therefrom are patentably distinguishable from Greelings.

REJECTIONS under 35 U.S.C. § 103

Claims 4-7 stand rejected to under 35 U.S.C. § 103(a) as obvious over Greelings in view Blancato. Claim 4 is a computer program claim with similar steps as claim 1, for the reasons argued in the traversal of the 35 U.S.C. § 102(b) rejection, claim 4 is patentably distinguishable from Greelings and the addition of Blancation does not disclose, teach or suggest each and every element of claim 4.

Blancato is a system for viewing a new hairstyle by replacing on a digital picture an individuals current hairstyle with a proposed hairstyle. The system Blancato does not teach or suggest direct marketing, but discusses the use of a system in hair salon wherein it states "the advent of modern electronics has provided the small retail barber shop or beauty shop with the economic ability to afford a personal computer. Recent innovations have permitted television pictures to be converted for viewing on a video display and to be modified, or operated upon, in a certain desired manner. ... produces signals representative of an image taken by a television camera which can be viewed on a video display and thereafter operated upon." Column 1 lines 50-65. Whereas, Greelings does not teach or suggest anything regarding hairstyles and Blancato does not teach or suggest direct marketing, there is no suggestion to combine the two systems. Therefore, Greelings and Blancato fail to establish a prima facie case of obviousness over the present invention.

Withdrawal of the rejection is respectfully requested.

NEW CLAIM

Claim 8 is new. Claim 8 recites "wherein the customer is an individual customer and the suggestions of hairstyle are made with reference to the individual customer's present hair condition." Support for the new claim found on page 2, line 32 through page 3, line 3. Claim 8 further distinguishes from the prior in that the customer is an individual and not a member of a group and that suggestions are made with reference to the current condition of the individual's hair.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. It is also submitted that claims 1-8 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

Serial No. 10/090,743

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the USPTO is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: Resubmitted November 29, 2006

By: /James J. Livingston/
James J. Livingston
Registration No. 55,394

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501